

MINUTES
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
REVIEW COMMITTEE
THIRTEENTH MEETING: MARCH 25-27, 1997
NORMAN, OKLAHOMA

The thirteenth meeting of the Native American Graves Protection and Repatriation Review Committee was called to order by Ms. Tessie Naranjo at 8:30 a.m., Tuesday, March 25, 1997 at the Forum Room, Forum Building, University of Oklahoma, Norman, Oklahoma. The following Review Committee members, National Park Service staff, and others were in attendance:

Members of the Review Committee:

- Ms. Tessie Naranjo, Chair
- Ms. Rachel Craig
- Mr. Jonathan Haas
- Mr. Lawrence Hart
- Mr. Dan Monroe
- Mr. Martin E. Sullivan
- Mr. Phillip L. Walker

National Park Service staff present:

- Mr. Francis P. McManamon, Departmental Consulting Archaeologist, Washington, DC
- Mr. C. Timothy McKeown, NAGPRA Program Leader, Washington, DC
- Ms. Jennifer Schansberg, NAGPRA Consultant, Washington, DC

The following were in attendance during some or all of the proceedings:

- Mr. Corky Allen, Kialegee Etlwv, Wetumka, Oklahoma
- Ms. Judy Allen, Choctaw Nation of Oklahoma, Durant, Oklahoma
- Ms. Paula Allen, Norman, Oklahoma
- Ms. Michèle Almon, Esq., McGovern, Noel & Benik, Providence, Rhode Island
- Ms. Annette Arkeketa-Rendon, American Indian Reserve and Education Coalition, Corpus Christi, Texas
- Ms. Deanne Bahr, Sac & Fox Nation of Missouri, Reserve, Kansas
- Mr. Dean Barlese, Nixon, Nevada
- Ms. Susan E. Baxeranis, Museum of Texas Tech University, Lubbock, Texas
- Ms. Joyce A. Bear, Muscogee Creek Nation, Okmulgee, Oklahoma
- Mr. Turner Bear, Jr., Tahlequah, Oklahoma
- Mr. Gregory L. Benik, Esq., McGovern, Noel & Benik, Providence, Rhode Island
- Ms. Robin Bellmard, Otoe-Missouria, Red Rock, Oklahoma
- Ms. Dolores Subia Bigfoot, University of Oklahoma Health Services, Norman, Oklahoma
- Ms. Eva Big Medicine, Longdale, Oklahoma
- Mr. Bill Billeck, Repatriation Office, Smithsonian Institute, Washington, D.C.
- Mr. James Bird, Moore, Oklahoma
- Mr. Richard Black, Iowa Tribe, Perkins, Oklahoma

Mr. James Black Bear, Jr., Geary, Oklahoma
Ms. Cindy Bloom, Midwest Soaring, Prairie Grove, Illinois
Mr. Kent Blunsett, Iowa Delegation, Columbia, Missouri
Mr. Jim Bradley, R.S. Peabody, Andover, Massachusetts
Mr. Robert Brooks, Oklahoma Archeological Survey, Oklahoma
Ms. Tracey Brussat, Museum of Natural History, Roger Williams Park, Providence, Rhode Island
Mr. Pedro Calimán, University of Oklahoma, Norman, Oklahoma
Mr. Roy Callison, Park Hill, Oklahoma
Ms. Susan Callison, Park Hill, Oklahoma
Ms. Patricia Capone, Peabody Museum, Harvard University, Cambridge, Massachusetts
Ms. Connie Cascales, Monticello, Indiana
Mr. Chester R. Carver, Oklahoma City, Oklahoma
Mr. Hugh Clubfoot, Northern Cheyenne, Lame Deer, Montana
Ms. Ellen Cordell, Oklahoma Museum of Natural History, Norman, Oklahoma
Mr. Kent Collier, McLoud, Oklahoma
Ms. Barbara Crandell, Native American Alliance of Ohio, Thornville, Ohio
Ms. Debora Crazdell, Thornville, Ohio
Mr. Billford Curley, Sr., Cheyenne, Lame Deer, Montana
Mr. Logan Curley, Cheyenne, Sr., Busby, Montana
Ms. Jane Dague, Norman, Oklahoma
Mr. Michael Darrow, Fort Sill Apache Tribe, Fort Cobb, Oklahoma
Ms. Linda Kawai'ono Delaney, Honolulu, Hawaii
Mr. John Dendy, Ft. Riley, Kansas
Mr. Steve Denson, Chickasaw Nation, Ada, Oklahoma
Ms. Nancy Derrig, Providence Parks Department, Providence, Rhode Island
Ms. Julie Droke, Oklahoma Museum of Natural History, Norman, Oklahoma
Mr. Randle Durant, Choctaw Nation of Oklahoma, Oklahoma
Mr. Maurice Eben, Pyramid Lake Paiute Tribe, Sutcliff, Nevada
Ms. Helaire Echohawk, Norman, Oklahoma
Ms. Alice Edwards, Toledo, Ohio
Mr. Richard W. Edwards, Jr., University of Toledo, College of Law, Toledo, Ohio
Mr. Allen D. Emarthle, Seminole, Oklahoma
Ms. Clare Farrell, Midwest Soaring, Oak Park, Illinois
Mr. R. Lee Fleming, Iowa Tribe of Oklahoma, Perkins, Oklahoma
Mr. Gillian Flynn, Repatriation Office, National Museum of Natural History, Washington, D.C.
Mr. Lee Foster, U.S. Army Environmental Center, Aberdeen Proving Grounds, Maryland
Ms. Leanne Fowler, Broken Arrow, Oklahoma
Ms. Annette B. Fraum, Oklahoma Museum of Natural History, Norman, Oklahoma
Ms. Shannon Freeman, Norman, Oklahoma
Ms. Glenda Galvan, Chickasaw, Ada, Oklahoma
Mr. Hector Garcia, Bureau of Reclamation, Oklahoma City, Oklahoma
Mr. Darren Geimausaddle, Panhandle-Plains Historical Museum, Canyon, Texas
Mr. Marshall Gettys, State Historic Preservation Office, Oklahoma City, Oklahoma
Ms. Myra Giesen, Bureau of Reclamation, Lawrence, Kansas
Mr. Curtis Gilfillan, Sac & Fox of Missouri, Reserve, Kansas

Ms. Martha Graham, American Museum of Natural History, New York, New York
Mr. Dell Greek, AFRC-FM-PWE, Fort McCoy, Wisconsin
Mr. Marcus B. Griffin, U.S. Army Construction Engineering, Champaign, Illinois
Ms. Lesa Hagel, Lesa K. Hagel Word Processing, Rapid City, South Dakota
Ms. Stacey Halfmoon, Caddo, Binger, Oklahoma
Ms. Ange Hamilton, Oklahoma Indian Legal Service, Oklahoma City, Oklahoma
Ms. Cheri Haney, Yuchi Tribe, Glenpool, Oklahoma
Mr. Michael Haney, Seminole Nation of Oklahoma, Oklahoma
Mr. Jeff Harjo, Wewoka, Oklahoma
Ms. Helen Harris, Waco, Texas
Ms. Betty E. Hart, Clinton, Oklahoma
Ms. Connie Hart-Yellowman, El Reno, Oklahoma
Ms. Cristina Hart-Yellowman, El Reno, Oklahoma
Mr. Light Foot Hawkins, Cheyenne, Concho, Oklahoma
Ms. Roberta Hayworth, U.S. Army Engineer District, St. Louis, Missouri
Ms. Marnita Hickman, Iowa Tribe of Oklahoma, Princeton, Missouri
Ms. Billie R. Hoff, Caddo, Oklahoma City, Oklahoma
Ms. Dianna Horning, Oklahoma Museum of Natural History, Norman, Oklahoma
Ms. Andrea Hunter, National Museum of Natural History, NAGPRA Review Committee, Washington, DC
Mr. Vernon Hunter, Caddo Tribe, Oklahoma
Ms. Barbara Isaac, Peabody Museum, Cambridge, Massachusetts
Mr. Jason Jackson, Gilcrease Museum, Tulsa, Oklahoma
Mr. Greg Johnson, University of Chicago, Denver, Colorado
Mr. Jefferson Keel, Chickasaw, Ada, Oklahoma
Ms. Clara Sue Kidwell, Norman, Oklahoma
Mr. Tom Killion, Repatriation Office, Smithsonian Institute, Washington, DC
Ms. Frances Kilpatrick, Hominy, Oklahoma
KC Kraft, Norman, Oklahoma
Ms. Lisa Kraft, Citizen Potawatomi Nation, Shawnee, Oklahoma
Pat Leading Fox, Pawnee, Oklahoma
Mr. David Liptz, Stecker Museum, Baylor University, Waco, Texas
Mr. Charles A. Lonechief, Pawnee Tribe, Tulsa, Oklahoma
Ms. Marianne Long, Iowa Tribe of Oklahoma, Perkins, Oklahoma
Ms. Cynthia Longhorn, Absentee-Shawnee Tribe, Tecumseh, Oklahoma
Ms. Rhonda Lueck, St. Louis, Missouri
Mr. James A. Mann, Southern Cheyenne Tsistsistas, Longdale, Oklahoma
Ms. Arion Mayes, Boulder, Colorado
Ms. Jean McCoard, Native American Alliance of Ohio, Westerville, Ohio
Ms. Suzette McCord-Rogers, Kansas State Historical Society, Highland, Kansas
Ms. Roberta McGregor, The Witte Museum, San Antonio, Texas
Mr. Luther Medicine Bird, Southern Cheyenne, Oklahoma
Mr. Armand Minthorn, Pendleton, Oregon
Ms. Wildena Moffer, Caddo Tribal Council, Fort Cobb, Oklahoma
Ms. Paula Molloy, Repatriation Office, Smithsonian, Washington, D.C.
Ms. Patricia Mercado-Allinger, Texas Historical Commission, Austin, Texas

Ms. Gingy Nail, Chickasaw Nation, Ada, Oklahoma
 Ms. Lisa Nail, Chickasaw Nation, Ada, Oklahoma
 Mr. Ed Natay, National Park Service, Southwest Support Office, Santa Fe, New Mexico
 Mr. Phil J. Newkumet, Norman, Oklahoma
 Mr. Kunani Nihipali, Hui M_lama I N_ K_puna 'O Hawai'i Nei, Haleiwa, Hawaii
 Ms. Helen Norris, Pawnee, Oklahoma
 Ms. Karen L. O'Brien, Museum of Texas Tech University, Lubbock, Texas
 Mr. John W. O'Hear, Missouri State University, Missouri
 Ms. Roberta Pailes, Norman, Oklahoma
 Ms. Jennie Parker, Northern Cheyenne, Lame Deer, Montana
 Mr. Fred Parton, Caddo, Oklahoma
 Mr. Thurman Parton, Caddo, Binger, Oklahoma
 Ms. Patrice Peakheart, El Reno, Oklahoma
 Mr. Joe Pechonick, Delaware Tribe, Tribal Headquarters, Bartlesville, Oklahoma
 Ms. Paula Pechonick, Delaware Tribe, Tribal Headquarters, Bartlesville, Oklahoma
 Mr. Jim Pepper Henry, Kaw Nation of Oklahoma
 Mr. John Pewamo, Kickapoo Nation, Topeka, Kansas
 Mr. John Wesley Phillips, Flint, Texas
 Ms. Lesley Rankin-Hill, University of Oklahoma, Norman, Oklahoma
 Mr. Charles Redcorn, Osage, Oklahoma
 Ms. Jeri Redcorn, Caddo, Norman, Oklahoma
 Ms. Minoma Red Hat, Longdale, Oklahoma
 Mr. Jim Rhodd, Iowa Tribe of Kansas and Nebraska, White Cloud, Kansas
 Ms. Alexa Roberts, National Park Service, Santa Fe, New Mexico
 Ms. Leah Rosenmeier, R.S. Peabody Museum, Phillips Academy, Andover, Massachusetts
 Mr. Victor Roubidoux, Iowa Tribe, Perkins, Oklahoma
 Mr. Joseph Schomaker, Department of Energy, Fernald Site, Cincinnati, Ohio
 Mr. Tom Shaisse, Wewoka, Oklahoma
 Ms. Rolla H. Shaller, Panhandle Plains Historical Museum, Canyon, Texas
 Mr. John Sipes, Southern Cheyenne, Norman, Oklahoma
 Mr. Calvin B. Smith, Strecker Museum, Baylor University, Waco, Texas
 Mr. David Smith, Winnebago Tribe of Nebraska, Winnebago, Nebraska
 Mr. Chuck Smythe, National Museum of Natural History, Washington D.C.
 Mr. Gary Spease, Iowa Tribe of Oklahoma, Princeton, Missouri
 Ms. Hannah Kihalani Springer, Office of Hawaiian Affairs, Kailua, Kona, Hawaii
 Mr. Marvin E. Stepson, Osage Nation Elders, Fairfax, Oklahoma
 Ms. Deborah Summers, Sanford, Texas
 Ms. Barbara A. Sutteer, National Park Service, Rocky Mountain Support System Office, Lakewood,
 Colorado
 Mr. Roderick Sweezy, Southern Arapaho, Concho, Oklahoma
 Mr. Virgil Swift, Wichita Tribe, Anadarko, Oklahoma
 A.J. Taylor, Wichita Affiliated Tribes, Tempe, Arizona
 Mr. Randy Thies, Topeka, Kansas
 Mr. Russell Thornton, Smithsonian Institute, Anthropology, UCLA, Los Angeles, California
 Ms. Pat Tirrell, Oklahoma Museum of Natural History, Norman, Oklahoma

Mr. Keith Tolman, Oklahoma Historical Society, Oklahoma City, Oklahoma
Mr. Jack Trope, Sant'Angelo & Trope, Cranford, New Jersey
Ms. Ann Tweedie, Harvard, Cambridge, Massachusetts
Mr. Ted Underwood, Seminole Nation, Seminole, Oklahoma
Mr. Tecumseh Underwood, Seminole Nation, Seminole, Oklahoma
Mr. Curly Bear Wagner, Blackfeet, Browning, Montana
Ms. Pamela Wallace, Norman, Oklahoma
Ms. Judy Wallingstick, Sac & Fox, Stroud, Oklahoma
Mr. Joe Watkins, Seven Tribes of the Anadarko Agency, Anadarko, Oklahoma
Ms. Lucy Whalley, Ft. Riley, Kansas
Mr. Melvin White Bird, El Reno, Oklahoma
Mr. Luther White Eagle, King Fisher, Oklahoma
Mr. Richard R. Whitman, Norman, Oklahoma
Mr. Michael Wiant, Illinois State Museum, Springfield, Illinois
Ms. Carrie V. Wilson, Quapaw Tribe, Fayetteville, Arkansas
Mr. Ed Wilson, Norman, Oklahoma
Mr. Robert Wilson, Concise, Oklahoma
Mr. Terry Wilson, Cheyenne, Clinton, Oklahoma
Mr. Travis Willingham, Iowa Delegation, Columbia, Missouri
Mr. Frank Winchell, U.S. Army Corps of Engineers, Tulsa District, Tulsa, Oklahoma
Ms. Tonya Wolf, Repatriation Office, National Museum of the American Indian, Bronx, New York
Ms. Sonya Wolff, National Museum of the American Indian, Bronx, New York
Mr. Frank E. Wozniak, Southwestern Region, USDA Forest Service, Albuquerque, New Mexico
Ms. Jacilee Wray, Olympic National Park, Port Angeles, Washington
Mr. John Wright, National Park Service, Bushkill, Pennsylvania
Ms. Alma Yelloweyes, Cheyenne, Clinton, Oklahoma
Mr. Lee Yelloweyes, Cheyenne, Clinton, Oklahoma
Mr. Gordon L. Yellowman, Cheyenne-Arapaho Tribes, Concho, Oklahoma

A welcoming song was performed by the University of Oklahoma American Indian Student Association Singers, and the opening prayer was given by Ms. Joyce Shield, Miss Indian O.U. Dr. Michael Mares, Director of the Oklahoma Museum of Natural History, welcomed the Committee, the National Park Service (NPS) staff, and the audience members on behalf of University of Oklahoma President David Boren. Ms. Naranjo welcomed everyone to the meeting and asked the Review Committee members to introduce themselves.

Review of the Agenda

Mr. McManamon thanked the Review Committee members for their time and efforts regarding implementation of the NAGPRA Statute. Mr. McManamon welcomed the members of the public to the meeting and explained that the meetings are open to the public with scheduled public comment periods. He then gave a brief review of the agenda.

Implementation Update

Notices of Intent to Repatriate and Inventory Completion: Mr. McManamon reported that the NPS has received over 870 summaries and over 620 inventories from museums and federal agencies to date. On preliminary review, over 270 documents were found to be incomplete, and efforts have been made to contact the relevant museums or agencies in order to get additional information or clarification. Mr. McManamon pointed out that a listing of museums and agencies that have submitted inventories and summaries to the NPS was in the Committee binders.

Mr. McManamon stated that a breakdown of the total number of inventory extensions for museums granted by the Secretary of Interior was in the Committee binders. He explained to the Committee that the extension process seemed to be moving along as expected.

Mr. McManamon stated that 164 notices of intent to repatriate have been published in the Federal Register and 119 are awaiting publication. He explained that the NPS tries to ensure that all of the various aspects of compliance with NAGPRA are included in the notices and that a signed copy of the final text is received from the museum or agency before publication.

Grants Program: Mr. McManamon reported that the President's proposed 1998 budget included 2.3 million dollars for Fiscal Year (FY) 1998 grants.

Civil Penalties: Mr. McManamon pointed out that in the Committee binders, there was a copy of the new interim regulations on civil penalties, which were published as interim rules in the Federal Register on January 13, 1997. He added that as interim rules, they are currently in effect.

Other Matters: Mr. McManamon stated that Mr. McKeown remains active in providing technical assistance regarding the anti-trafficking provisions of NAGPRA. Mr. McKeown described a recent, significant case, resolved by pre-trial diversion, involving a museum that sold an object at auction. He stated that the object was returned to the tribe for repatriation.

Mr. McManamon explained that all of the Committee members whose terms expire in April have been renominated for the Committee. He described a recent change in the Committee's Charter, providing for renewal terms of three years and new terms of six years, which will provide for regular turnover on the Committee. He added that the Department of Interior's intent is to continue the Review Committee, and stated that hopefully the Committee nominations will be selected by the Secretary in the near future.

Mr. McManamon pointed out that the NPS staff has done an exceptional job in the implementation of the Statute, and complimented Mr. Timothy McKeown, Ms. Jennifer Schansberg, Ms. Mandy Murphy, Ms. Jean Kelley, and others in the NPS for their continued efforts regarding NAGPRA.

Mr. McKeown described the NAGPRA course available through the University of Nevada at Reno, which is currently offered approximately five times per year throughout the country. Ms. Naranjo suggested that this course would be valuable for new Committee members in order to acquaint them with NAGPRA. Mr. Hart agreed with Ms. Naranjo's suggestion.

Compliance by Federal Agencies

Mr. McManamon stated that in response to the Committee's request at the Myrtle Beach, South Carolina meeting for more detailed information regarding agency compliance with NAGPRA, the NPS requested information from federal agencies regarding compliance by the agencies as a whole and by their individual units; a copy of this letter was included in the Committee binders. The NPS also included a listing of federal agency summaries received through March 10, 1997, a listing of federal agency inventories on file at the NPS, and copies of the responses by federal agencies to the NPS inquiry received to date.

Mr. Lee Foster, Project Officer and Program Manager for Native People's Issues with the U.S. Army Environmental Center in Maryland, summarized the actions of the Department of Army regarding compliance with NAGPRA. In 1994, the Environmental Center developed a program to locate all of the archaeological collections nationwide from Army installations, including a determination of the existence of NAGPRA-related materials. A total of 170 installations, occupying seven and a half million acres of land, were investigated for compliance with section 6 of NAGPRA, of which 97 received section 6 summary reports and 72 received negative findings letters after a study by the St. Louis District Corps of Engineers. The 97 summary reports have been submitted to the NPS. Twenty installations were identified as requiring section 5 inventory work, now in draft form and scheduled to be completed by the end of the fiscal year. New Army regulations will be final within the next month instructing installation commanders to comply with all aspects of NAGPRA, including the section 3 requirements for post-Act and inadvertent discoveries.

Mr. Haas stated that agencies were required by law to submit their inventories and asked why the Department of Army did not notify the Department of the Interior about the lack of compliance on the part of the Army regarding inventories, the plan of action by the Army to complete the inventory process, and the approximate number of remains under the control of the Army. Mr. Foster responded that this was mostly due to the large number of Army installations. Mr. Foster explained that the process of developing new regulations to deal with NAGPRA took considerable time, and added that while the Army recognizes that it is late, it is trying to catch up. Mr. Foster added that his office has had regular contact with the NPS and Mr. McManamon. Mr. McManamon confirmed that he has had regular contact with the Department of Army, as well as other federal agencies, on an informal basis regarding NAGPRA.

Mr. Sullivan asked if there was a central Department of Defense entity that coordinates information exchange or policy development among different service branches regarding cultural resource management. Mr. Foster replied that there is an entity that deals with that, but each service needs to be proactive on its own, as opposed to receiving guidance from Defense.

The Committee discussed the issue of federal agency compliance with NAGPRA. Mr. Sullivan asked for a characterization of the levels that the various federal agencies understand and are proactive in complying with NAGPRA. Mr. McManamon responded that the agencies are very uneven in their response to NAGPRA, with varying approaches to compliance ranging from a nationally-guided, agency-wide approach to a local-level approach. Mr. McManamon added two final factors affecting agency compliance: a variety of types of action taken by regional and local agencies concerning implementation decisions regarding NAGPRA and the governmental downsizing that occurred at the same time as NAGPRA was enacted. Mr. Haas expressed his concern about the lack of agency-wide response from the Bureau of Land Management (BLM), the Forest Service, the Corps of Engineers, and the Bureau of Reclamation. Mr. McManamon replied that the BLM submitted a

summary statement and is in the process of reviewing their collections. He added that the BLM and the Forest Service have been working together, specifically in Arizona and New Mexico, regarding cultural affiliation determinations. Mr. McManamon stated that both the Forest Service and the Corps of Engineers are working on NAGPRA activities, but do not appear to have a comprehensive approach. He added that the Bureau of Reclamation has submitted inventories from all but one region.

Mr. Walker raised the jurisdictional issues of federal agency collections currently in museums and described an earlier Committee concern about federal agencies not taking responsibility for such collections. Mr. McManamon replied that the NPS has been emphasizing this responsibility and stated that most federal agencies understand this ultimate responsibility; however, some agencies may have ongoing agreements with museums regarding responsibility for curation of such collections. Mr. McManamon added that the NPS has been trying to promote partnerships in such situations between agencies and museums. Mr. Haas added that jurisdictional issues are still disputed in the museum world and ownership of such collections is not always clear cut.

Mr. Monroe pointed out that museums and tribes often went through similar staff and resource reductions as the government at the same time NAGPRA was passed, and museums are still being held accountable for implementing NAGPRA, under threat of civil penalties. He then questioned the impact that spotty federal compliance may have on the potential to apply civil penalties to institutions, and asked about possible recourse for tribes who may be negatively affected by lack of compliance when dealing with noncompliant federal agencies. Mr. McManamon recommended that if tribes are having difficulty dealing with a federal agency at one level, that perhaps they could find a more appropriate level to deal with in the agency. In response to the possibility of assessment of civil penalties by the Secretary of Interior while federal agencies continue to be out of compliance, Mr. McManamon stated that this could occur, and museums could potentially use that as an argument in their favor. He added that is a good reason for the Secretary to try to emphasize that Interior bureaus give this issue serious attention.

Mr. Haas raised the following issues for future Committee consideration: how many remains are actually not being reported and how to get the upper levels of federal agencies to give NAGPRA priority. Mr. Haas suggested that Congress help with federal agency compliance, and recommended addressing this issue in the Committee's Report to Congress. Mr. McManamon stated that the Report to Congress was one way to address the issue of federal agency compliance, as well as the letters that were sent to federal agencies in response to Committee discussions at the Myrtle Beach meeting. He also stated that if there is a concern about a smaller group of agencies, a focussed approach could be used by the Committee and the NPS in order to determine the level of compliance.

Discussion of Culturally Unidentifiable Human Remains

Mr. McManamon summarized the process of developing regulations on culturally unidentifiable human remains to date. In response to the first set of draft regulations published in 1994, the Committee received over 120 written comments. The Committee then developed the second set of draft recommendations, which were also published and received a number of comments. Based on the strong and varied responses in both sets of comments, the Committee reviewed other approaches to resolving the issue of culturally unidentifiable human remains.

Mr. McManamon stated that one Committee recommendation was to identify different categories of culturally

unidentifiable; such as remains that are culturally unidentifiable due to affiliation with groups ineligible for NAGPRA. In such cases, the Committee has developed a method of dealing with those situations that involves consultation with recognized tribes that might have possible affiliation with the remains before repatriation to a non-federally recognized group. He further explained that the Committee has discussed recommendations that would utilize geographical information of remains and objects as a factor to aid in developing affiliation.

Mr. Monroe stated that this issue remains contentious and difficult, particularly surrounding the category of ancient remains; that another difficult category would be remains that are culturally unidentified and historical in terms of age; and that the proposed geographical affiliation recommendation had a number of problems. Mr. Monroe emphasized the Committee's feeling that this issue is extremely important to resolve, in order to repatriate the substantial number of culturally unidentified remains, and he reiterated Committee's concerns about the process of developing regulations, especially regarding the lack of direct dialogue between members of the museum and scientific community and members of the Native American community on this issue. He stated that at the Myrtle Beach meeting, in response to this problem, the Committee discussed the possibility of a summit meeting held specifically to help develop regulations on culturally unidentified remains.

Mr. Walker pointed out the conflicting opinions contained in the comments that ranged from a need to resolve this issue immediately in order to repatriate remains as soon as possible to a feeling that hurrying the process could result in errors. Mr. Haas pointed out that this topic has been an issue since the first Committee meeting, and he expressed concern that some agencies and museums were just moving ahead with repatriation of remains that other agencies and museums would consider unidentifiable, like Tonto National Forest. Mr. Haas recommended the summit approach to resolving this issue, and suggested that it be named the Tallbull Summit, in honor of the late Mr. William Tallbull. Mr. Hart endorsed the summit idea.

Mr. Monroe suggested that the Committee discuss two topics: first, a summary of this issue to date, both for the purpose of a summit and for future work on the subject; and second, specific ideas of how to structure the summit. The Committee discussed the contention surrounding the issue of ancient remains, including the reluctance of many groups to repatriate to nonrecognized tribes without the involvement of federally recognized tribes. One reason for this reluctance could be the potential that standing for groups in repatriation issues might extend into other areas not related to NAGPRA. The Committee again discussed the partnership approach between recognized and nonrecognized tribes acting together to repatriate remains affiliated with non-federally recognized tribes. Mr. Hart suggested that one of the first points in the Committee's recommendation should be that the remains of all Native American ancestors need to be repatriated, while recognizing that not all tribes wish to have anything to do with their ancestors for spiritual reasons.

The Committee then focused their discussion on the issue of ancient remains. One problem with ancient remains is that some ancient remains do not seem to have cultural affiliation with any present-day tribes, while other ancient remains are potentially affiliated with an entire group of tribes. Mr. Walker suggested following the standard that there is a relationship of shared group identity between all modern Native Americans and Native American remains in general, wherever they came from.

The Committee then discussed some of the criticisms of the strategy previously used to develop regulations on culturally unidentified, and identified that one main criticism was that the Committee was going outside of the statutory language in the definition of cultural affiliation. Mr. Monroe pointed out that the Committee heard from the Native American community that all human remains need to be repatriated, except in cases where the affiliated

tribe clearly did not want the remains returned, and the Committee heard a number of comments from the museum and scientific community that objected to the notion that all remains should be returned. Ms. Naranjo stated that the pueblos have a policy of nonreturn of human remains based on their spiritual beliefs. The Committee then discussed the comments of the museum and scientific community that although the Secretary of Interior has the authority to promulgate regulations concerning the disposition of culturally unidentified remains, there is no statutory basis requiring return of unidentified human remains. Mr. Haas mentioned another concern in the museum community that no guidelines were provided for making decisions about culturally unidentified remains. Mr. Hart pointed out that not all remains had been buried initially, so strict use of the term "rebury" would be inappropriate in some instances.

Mr. Monroe mentioned another category was remains that were identified and culturally affiliated, but not specifically enough to meet the legal tests, such as when there is a designation of Sioux, but no designation for which Sioux tribe. Mr. Sullivan stated that another category of unidentified remains would be remains for which there is no information available in the catalogue records. Mr. Sullivan then reiterated that in the first draft of the recommendations, the Committee unanimously adopted the position that the ultimate choice about disposition of human remains should be in the hands of Native American people. Mr. Haas suggested putting that position in the Committee's Report to Congress; that although this Committee was not able to come up with recommendations on the disposition of culturally unidentifiable human remains, it is the position of this Committee that the cultural affiliation of Native American human remains lies with Native Americans, and the decisions on the ultimate disposition of those remains should rest with Native Americans. Mr. Walker added that there was consensus within the Committee that the associated burial items of culturally unaffiliated remains should be treated in the same manner. Mr. Monroe stated that associated burial items would have different legal implications that would need to be resolved by Congress. Mr. Haas suggested that the associated burial items could be placed in the Committee's Report to Congress.

The Committee then discussed the details of the culturally unidentified remains summit. Mr. Monroe summarized that the purpose of the summit was to bring together members of the Native American community, museum and scientific community, and federal agencies to try to develop, through dialogue, different approaches to resolving the issue of culturally unidentifiable human remains. The Committee then discussed funding possibilities, including the ramifications of trying to establish a NAGPRA grant to fund the summit versus trying to find private funding. Ms. Naranjo suggested limiting the number of participants in order to have better dialogue. Mr. Hart recommended that all members of the current Committee be invited to participate, regardless of reappointment, as well as the people who worked on the initial legislation of NAGPRA. The Committee decided that 25 to 30 participants would be a reasonable number. Mr. Hart added that the Northern Cheyenne people in attendance at the meeting agreed that it would be appropriate to call the summit the Tallbull Summit.

The Committee discussed possible locations and times for the summit, and agreed that it should take place as soon as possible, in a location that was conducive to discussions. Mr. Monroe suggested the summit be facilitated by an impartial, professional facilitator. The Committee discussed summit specifics, including: participants who were very informed about this issue; a packet of materials that would be provided to all participants, with background information on the topic, including testimony presented to the Committee, written or spoken, and previous Committee discussions; participants representing various tribes, the scientific and museum community, and federal agencies, who are dedicated to trying to move this issue forward through dialogue rather than simply re-articulating their position; emphasizing the mission of trying to reach a better understanding and some possible resolutions regarding the issue of culturally unidentifiable human remains. Mr. Sullivan and Mr. Monroe agreed to work on

funding sources.

Requests Regarding Culturally Unidentifiable Human Remains

Baylor University, Strecker Museum - Calvin Smith: Mr. Smith summarized the efforts of Baylor University to comply with NAGPRA, including consultation with the Wichita, Tonkawa, and Comanche groups in order to repatriate remains. Mr. Smith reported that repatriation efforts were being finalized on a number of remains, with a list being supplied to the Committee, and plans were made, with approval from the Wichita, Tonkawa and Comanche, to reinter all human remains in the possession of the university at the common cemetery at Fort Hood, Texas. Mr. Smith stated that the university contacted the NPS when they were asked to turn over all of the remains to Mr. Shiloh Perkins, whom they were not familiar with. Included on the list were some culturally unidentified remains, all, except two, coming from traditional Tonkawa- and Wichita-occupied areas. Mr. Smith stated that Baylor University was seeking guidance on what to do with all of the remains.

The Committee then discussed the issue. Mr. McKeown believed Mr. Shiloh Perkins was a representative of a non-federally recognized, consortium group of Indians in Texas. Mr. Sullivan felt it would be appropriate to file a notice of inventory completion and intention to repatriate to the recognized tribes who were consulted and invite other claimants to come forward. Mr. McManamon asked if there was any temporal information concerning the remains. Mr. Smith replied that the remains were believed to be from the late archaic/early neoAmerican periods, and could be considered ancient remains.

After further discussion, the Committee stated that Baylor University is doing the correct thing, and that they need to make sure that all possible tribes or groups that could have been resident in that area have been consulted, including the Kiowa, Cheyenne, and others; that the university documents all of the evidence, including oral history, folkloric, biological, etcetera; that the university is moving in the direction of making a determination of cultural affiliation; and that once these steps have been satisfied, the university will be able to move forward with repatriation. Mr. McManamon stated that the NPS would send a letter to the Strecker Museum at Baylor University detailing the Committee's points.

Department of Energy, Fernald - Joseph Schomaker: Mr. Schomaker stated that the Department of Energy (DOE) is requesting the Committee's recommendation regarding culturally unidentified remains unearthed during a water supply project. Despite all attempts to avoid the 30 sites along the project's right of way, three sites were unavoidably impacted and the remains were unearthed, including one site containing Fort Ancient remains. Efforts were made to try to determine the tribal origin of the remains, including consultation with four federally recognized tribes and ten state groups within the state of Ohio, and other groups. Tribes consulted include the Eastern Shawnee, the Absentee-Shawnee, the Loyal Shawnee, and the Miami Tribe of Ohio. The Miami Tribe of Oklahoma was also consulted, along with the Native American Alliance of Ohio, although further negotiations did not show a connection between these groups and the remains. The groups that were consulted expressed their desire to have the remains reinterred on federal land. Mr. Schomaker stated that DOE's position is that the remains are culturally unaffiliated, based on information from federally recognized tribes, state recognized groups, the State Historical Preservation Office, Cincinnati Museum of Natural History, and forensic experts. The DOE would like to repatriate the remains on federal land.

After discussion, the Committee stated that the remains were a deed of gift, are under the control of DOE, and clearly fit the definition of Native American human remains under NAGPRA. Since the remains are considered

culturally unaffiliated, despite all efforts to identify them, under the Statute the remains must be retained by the DOE until such time as there is some clear mechanism for disposition. The Committee suggested that the DOE consult with potentially affiliated groups and try to develop an appropriate mechanism for the retention of these remains until the Committee is able to develop recommendations on the disposition of culturally unaffiliated remains in general, and a broader decision can be made on the disposition of these specific remains. Mr. McManamon stated that the NPS would send a letter to the Department of Energy, Fernald Site detailing the Committee's points.

Oakland Museum of California, De Anza College, City of Santa Clara: Mr. Walker explained that all three groups have remains from an area that historically was occupied by the Ohlone Tribe and that there are no federally recognized Ohlone groups. The Oakland Museum and De Anza College are working together, treating their collections as one group for repatriation purposes. These two organizations have come to the Committee with a proposal for repatriation that follows the California reburial law; repatriation to the most likely descendants, as determined by the Native American Heritage Commission. The City of Santa Clara did analysis of the human remains of the one individual and an associated artifact in their collection and determined that these were associated with the Muwekma Band of Ohlone, a non-federally recognized organization. Mr. Walker stated that he feels there is insufficient documentation in each of these cases to make a recommendation and that all of these groups are nonrecognized.

After discussion, the Committee agreed that the NPS should send a letter to the Oakland Museum, De Anza College, and the City of Santa Clara commending their goal of repatriation, asking for additional documentation on chronology of tribal occupation of area lands and details on cultural affiliation, and requiring broad consultation with the federally recognized tribes in their general area. Mr. McManamon added that the NPS could look at the geographical distribution of recognized tribes and suggest some specific examples for consultation purposes.

Henry County Historical Society: Mr. Walker explained that the Henry County Historical Society in New Castle, Indiana, has a collection of human skeletal remains from the local area, including one Seneca individual and one Civil War soldier, and they are culturally affiliating this material with the Pokagon Potawatomi group, which is a federally recognized tribe, and the Miami of Indiana, which is a group trying to gain federal recognition. Mr. Walker pointed out some concerns regarding this case, including that the Committee does not have any authority regarding the Civil War soldier remains, that the Miami Tribe of Indiana is not federally recognized, that the Historical Society needs to deal directly with the Seneca regarding remains with recorded affiliation with the Seneca Tribe, that additional consultation needs to be done with the remainder of the Potawatomi groups and other groups in the area and in Ohio based upon the records of the remains, and additional information regarding the cultural history of the remains and the area need to be provided to help determine affiliation. The Committee directed the NPS to send a letter to the Henry County Historical Society expressing these concerns and requesting the additional information.

Implementation of the Statute in Oklahoma and Texas

Mr. Randle Durant, Choctaw, spoke on behalf of Governor Bill Anatobe. He stated that taking care of remains and artifacts is of concern to the Choctaws, and added that he appreciates the great work that the Committee is doing concerning this issue.

Ms. Marianne Long, Cultural Preservationist for the Iowa Tribe of Oklahoma, read a statement from Mr. Jonathan Buffalo of the Sac & Fox Tribe of the Mississippi in Iowa, the Meskwaki Nation. Mr. Buffalo stated that no remains are unidentified or unaffiliated; Native American people know who they are. He stated that his tribe knew there were previously other tribes in their current area, and his tribe feels it is their duty to champion the cause of these ancestors. Mr. Buffalo explained the ceremonial process of burying the dead, emphasized that this process has been disconnected and violated, and stated that these remains need to be reburied.

Mr. Lee Fleming, Director of Tribal Operations for the Iowa Tribe of Oklahoma, spoke about the importance of the Committee following the regulations when dealing with NAGPRA issues, specifically regarding the definition of Indian tribe. He also emphasized the importance of returning remains immediately.

Mr. Victor Roubidoux, Treasurer for the Iowa Tribe, emphasized the importance of repatriating to only federally recognized tribes.

Mr. Richard Black, Iowa Tribe of Oklahoma, described difficulties his tribe has experienced with Missouri University regarding repatriation issues. He added that tribal people should determine the disposition of unidentifiable remains.

Mr. Michael Haney, Seminole Nation of Oklahoma, stated that of the 39 federally recognized tribes in Oklahoma, only two are indigenous to the area. He added that Public Law 101-601, NAGPRA, was originally passed because of the great need for protection of Native American graves and that the success of present-day Native Americans depends upon the return of Native American ancestral remains. Mr. Haney described the Sacred Sites Act, signed into law by President Clinton on March 26, 1996, which defines what is a sacred site, mandates that all federal agencies have procedures on how to protect sacred sites, and describes what diminishes the integrity of the site, directly or indirectly. Mr. Haney stated that he would like to see a moratorium on any excavations of sacred sites for federal agencies, until Native Americans can define what is a sacred site and what criteria need to be followed, recognizing that not all sacred sites are burial grounds but can, in fact, be ceremonial grounds. Mr. Haney explained that many southeastern Native Americans are connected through the past, and the Five Civilized Tribes of Oklahoma are working with other Southeast tribes toward a consensus regarding disposition of unidentified remains. He spoke about the importance of repatriation to federally recognized tribes. Mr. Haney expressed concern about a lack of cooperation on the part of several museums and a lack of continuity between federal agencies in implementing NAGPRA, and he described how 16 of 19 mounds were lost in Illinois due to erosion permits through the Corps of Engineers. He expressed a need for a "troubleshooter" that was familiar with and could go between the different federal agencies regarding these issues. Mr. Haas asked Mr. Haney if there was a southeastern coalition of tribes acting on repatriation issues, and Mr. Haney replied that the Oklahoma tribes are currently working on that type agreement.

Mr. Ted Underwood, Seminole Nation of Oklahoma, expressed his hope that the Five Tribes of Oklahoma, comprising over 80 percent of Oklahoma's Native American population, would be able to establish an organization to work together on repatriation issues. Regarding culturally unidentified remains, Mr. Underwood stated that the Intertribal Council of the Five Tribes passed a resolution claiming ancestral remains belong to the nation from whose geographical aboriginal homelands the remains came from; affiliation for remains that come from shared geographical aboriginal homelands will be determined by the Five Tribes. He stated that they do not recognize a division between prehistoric and historic remains; all remains labeled in this way belong to Native American people. He stated that the Seminole Nation's practice is to rebury remains in the exact location they were taken from, but

since that is not always possible, a national cemetery should be established in order to protect the remains. Mr. Underwood stated that the Statute should be followed regarding repatriation to federally recognized tribes, and that federally recognized tribes should work with the nonrecognized groups they feel are legitimate regarding repatriation claims. Mr. Underwood then described one case where tribes working corroboratively in Oklahoma and Florida were able to save a burial site, on county land, from excavation.

Ms. Carrie Wilson, Quapaw Tribe, described the positive effects of federal and state laws concerning human remains, specifically regarding one skull, located in an antique shop, that was repatriated through such laws. She explained that the tribes in Arkansas repatriate on a geographical basis, when specific affiliation is unknown. She added that two cemetery sites have been established in Alabama state parks for reburial of ancestral remains, with a total goal of six cemeteries. Ms. Wilson agreed with the idea of federally recognized tribes acting together on repatriation issues on a geographical basis, and the Quapaw Tribe wishes to stay within the Statute regarding repatriation to only federally recognized tribes.

Ms. Lisa Kraft, Historic Preservation and NAGPRA Officer for Citizen Potawatomi Nation, described the historical migrations and divisions of the Potawatomi people, which resulted in the seven current bands of the Potawatomi Nation, six in the United States and one in Canada. She described the problem of lack of consultation with all Potawatomi bands regarding repatriation issues. She stated that the bands in Kansas and Oklahoma received far fewer inventory and summary listings than the band in Wisconsin. She described the extensive geographical areas that the Potawatomi traveled through or occupied historically. She stated that remedies need to be found to correct this problem of consistent consultation with only part of the Potawatomi Nation, and that the Citizen Potawatomi Nation has passed resolutions supporting the Statute as is, with repatriation to federally recognized tribes only. Ms. Kraft stated that her tribe will be sending out 1,500 letters to museums and repositories stating who they are and making a claim for copies of correspondence that has been sent to other Potawatomi bands and not the Citizen Band. Mr. McManamon explained that the NPS reviews the notices and tries to ensure that all tribes have been consulted, but by the time the NPS gets the notices, the consultation process has been completed. He added that the NPS might be able to include an announcement or article in one of their publications describing the situation. Mr. Walker added that when reviewing the notices, the Committee and the NPS should be able to require that every time any Potawatomi group is listed as a culturally affiliated group, that all the other groups should be contacted.

Mr. Michael Darrow, Fort Sill Apache Tribe, described the different Apache tribes and their forced historical migrations. He stated that in an effort to deal with repatriation concerns, the All-Apache Cultural Committee was developed between the nine Apache groups. He stated that the Fort Sill Apache Tribe is developing its own repatriation policy, showing the areas and times where the tribe was located and under what names and terms. Mr. Darrow described problems with fake Apache groups in Virginia, Alabama, and Florida, and problems with other tribes claiming Apache remains through intermarriage.

Mr. Virgil Swift, Wichita and Affiliated Tribes, stated that they wish to make their ancestry known and claim return of human remains as well as associated and unassociated funeral objects from the states of Kansas, Oklahoma, Texas, Colorado, New Mexico, and Arkansas, and summarized the specific archaeological complexes that the Wichita and Affiliated Tribes are claiming affiliation with. He stated that the Wichita and Affiliated Tribes wish to enter into consultation with any and all agencies or groups that may have an interest in overlapping of these cultural or geographic areas, and further wish to be notified of any associated archaeological research and the details of such research.

Ms. Stacey Halfmoon, NAGPRA Coordinator for the Caddo Tribe, described the Caddo homelands of Texas, Oklahoma, Louisiana, and Arkansas, and explained that repatriation efforts of the Caddo Tribe have been ongoing for many years. She stated the most frequently claimed type of object is Caddo pottery and described ongoing problems with museums not willing to repatriate due to a supposed lack of evidence regarding affiliation with the pottery. She also described the large number of associated human remains the Caddo are dealing with, and stated that their goal is to have a cemetery in each state of their homeland designated for reburials. She stated that the Caddo Tribe claims objects from the Spiro Mounds and that there are multiple claims concerning two Caddo claims and added that the Caddo will not relinquish their valid and legitimate claims even though they respect and work closely with their fellow Native Americans. She added that the Caddo Tribal position is repatriation to federally recognized tribes only, and repatriation to non-federally recognized tribes could be accomplished through or with federally recognized tribes. Regarding the pottery claims, Mr. Walker explained that tribes just need to show by a preponderance of evidence that objects were not disposed of outside of the burial context in order for repatriation to occur.

Mr. Vernon Hunter, Chairman of the Caddo Tribe, stated that the Caddo people have their own oral history and will speak for themselves. He added that Caddo ancestors deserve the same respect as people in national cemeteries and he is not going to rest until they are granted that respect.

Ms. Paula Pechonick, Delaware Tribe in Oklahoma, spoke to the Committee about the importance of repatriation to federally recognized tribes only.

Mr. Charles Lonechief, Pawnee Tribe, described the plans of a joint committee, that includes his tribe, regarding repatriation issues of Central Plains traditional remains at the Smithsonian. He described repatriation efforts concerning remains that were in Sweden since the 1870s and are now interred at the Pawnee Indian North Cemetery. He added that like these remains, some remains have never been buried before, so each situation needs to be considered individually. He emphasized the importance of the return of all remains so they can be dealt with properly.

Ms. Glenda Galvan, Chickasaw, presented the Committee with two traditional Chickasaw stories.

Mr. Joe Watkins, Seven Tribes of the Anadarko Agency, described the formation of a working group of the Seven Tribes of the Anadarko Agency which is comprised of NAGPRA and Historic Preservation personnel of the Seven American Indian Tribes within the Anadarko Agency of the BIA. These tribes include the Apache Tribe of Oklahoma, the Caddo Tribe, the Comanche Tribe, the Delaware Tribe of Western Oklahoma, the Fort Sill Apache, the Kiowa, and the Wichita and Affiliated Tribes. The working group feels that repatriation should occur to only federally recognized groups, including cases of repatriation to subsumed tribes, such as the Yuchi Tribe which is under the Muscogee Creek Nation. He expressed a concern of the working group that to repatriate to nonrecognized tribes could potentially assign rights and authority to groups that have come into existence without a legitimate claim of continuity. The working group feels that human remains, regardless of affiliation, should not be left in museums, and culturally unidentifiable human remains should be repatriated to the federally recognized tribes on whose aboriginal lands the remains were found, with the Review Committee making decisions in cases of multiple tribes claiming the same ancestral lands. He emphasized the importance of intertribal cooperation regarding repatriation efforts.

Ms. Dolores Bigfoot, University of Oklahoma Health Services, spoke about the importance of repatriation for dealing with historical trauma and grief. She described the lack of information at the grass-roots level of Native American people, some of the contributing factors for this, and the importance of dissemination of information among the people. She described that part of her job is to work with federal agencies training federal personnel to be more sensitive to concerns of Indian people in Indian communities. She stated that it is important that all Native Americans go through the process of healing that takes place as things are returned to their proper order.

Mr. John Sipes, Southern Cheyenne, invited Mr. Logan Curly to give a prayer. Mr. Sipes was concerned about the lack of communication regarding NAGPRA issues to the Southern Cheyenne people, and he was concerned about the procedures involved in the repatriation process. He stated that the Sand Creek people, who make up about 85 percent of all Cheyenne people, are recognized as a separate entity by the federal government and should not have to follow the processes under NAGPRA in order to repatriate. He added that the Sand Creek people will speak for themselves on all issues. He stated that working groups and ceremonial people need to be involved in the repatriation process, like the law requires.

Mr. John Pewamo, Kickapoo, spoke about the importance of respecting and listening to elders and the respect and proper treatment needed for the dead. He stated that Native Americans know who they are and that they still follow the traditional ways. Mr. Pewamo then asked for the Committee's assistance regarding return of a medicine bundle and ceremonial drums.

Mr. Maurice Eben, Pyramid Lake Paiute, described the problems his tribe is having with the BLM, including ongoing attempts by the BLM to continue destructive analysis, despite the tribe's repeated statements that that is sacrilegious, and continuous efforts by the BLM to raise the age of remains to qualify absolutely as Native American. Mr. Eben expressed the hope that the Secretary of Interior would have the BLM develop a policy to deal fairly with Native Americans.

Mr. Corky Allen, Kialegee Etlwlv, expressed concern that the government deals with the largest tribes and tribal groups, such as the Five Civilized Tribes, and the ceremonial ground people are left out. He asked that the Committee deal with the individual etlwlvs, tribal units, because the Muscogee Creek Nation does not represent his etlwlw; the etlwlvs will represent themselves. He also expressed concern that the traditional names of the etlwlvs are being lost.

Dispute over an Hawaiian Figure in the Possession of the Museum of Natural History at Roger Williams Park

Mr. McManamon summarized that the dispute over the Hawaiian figure was a continuation of discussions at Myrtle Beach. Mr. Haas added that the Committee requested additional information concerning two issues: one, the standing of this object as an object under NAGPRA, ie., as a sacred object and/or an object of cultural patrimony and/or an unassociated funerary object; and two, the right of possession of the object.

City of Providence: The City of Providence made their presentation concerning the Hawaiian figure in the possession of the Museum of Natural History at Roger Williams Park. The position of the City of Providence was that the object was not a sacred object as defined by NAGPRA, and that the City of Providence had the right of possession. Their position was supported by the testimony of four expert witnesses.

Dr. Adrienne Kaeppler, Curator for Pacific Collections at the Smithsonian Institution, stated that gifting of items of high value, such as the Hawaiian figure, was a common occurrence, and in the absence of any evidence to the contrary, the City of Providence would have right of possession of the object. She added that she did not consider the figure to be a sacred object, since in Hawaiian religion, an object itself is not sacred unless an *`aumakua*, or ancestral spirit, is called into the object.

Mr. Herb K_{ne}, artist-historian and author, stated that the Hawaiian figure was not a sacred object but was a secular, utilitarian rack. He stated that it was most likely a fishing spear or pole rack, as it was not strong enough or large enough to support war spears. He added that the object was not necessary for present-day religious use, as the formal, ancient religion that required the use of carved images was formally abandoned in 1819 by the Hawaiian government. Mr. K_{ne} explained that the figure was not sacred; *`aumakua* spirits themselves were sacred and could be invoked into objects, which were usually defined by family traditions.

Ms. Rubellite Johnson, Scholar-in-Residence at the Abigail Kawanakoa Foundation, stated that a high level of trade existed in Hawaii concerning similar objects at that point in time and the figure was probably acquired and donated at an early point in time by Mr. Daniel Aborn, a long-time resident of Hawaii, which would give the City of Providence the right of possession of the object. She stated that the figure was a spear rest and therefore not sacred. Ms. Johnson added that an object itself is not sacred; spirits are called into objects and can be called into different objects.

Dr. William Davenport, Professor Emeritus, Department of Anthropology, and Curator Emeritus, University Museum, University of Pennsylvania, stated that the figure was a support figure, a fishing pole or spear rest, and was not a sacred object due to the lack of evidence that it was ever used in Hawaiian rituals or was in the possession of persons of high rank powerful enough to have such an object. He added that the support could not have been used on a war canoe because it was not strong enough to support war spears. Mr. Davenport stated that many *`aumakua* are not carved images but are objects or lifeforms that occur naturally, such as an owl, a shark, a stone, pieces of naturally-shaped wood, and thunder and lightning.

Hui M_{lama} I N_K puna 'O Hawai'i Nei and the Office of Hawaiian Affairs (OHA): Hui M_{lama} I N_K puna 'O Hawai'i Nei and the Office of Hawaiian Affairs made their presentation concerning the Hawaiian figure in the possession of the Museum of Natural History at Roger Williams Park. Hui M_{lama} and OHA feel that the object is a sacred object, as defined by NAGPRA, and as such would have been too sacred to commonly trade or gift.

Ms. Pualani Kanaka`ole Kanahale, traditional Hawaiian practitioner, stated that the object is a sacred object, a *ki`i l_{au}* that housed an *`aumakua*; the *ki`i l_{au}* figure was part of a larger *ki`i l_{au}*, the canoe. She explained that there was ritual involved with all aspects of the war canoe, and that spirits would be called into the war spears and the *ki`i l_{au}*. She added that an *`aumakua* cannot be transferred from one object to another, and that residual power remains when the *`aumakua* leaves the object. She explained that the figure is necessary for present-day religious practices due to Hawaiians' modern need for connection with their land; this need has resulted in ongoing land disputes, currently regarded by Hawaiians as a battle or war.

Ms. Lilikal_{Kama`eleihiwa}, Associate Professor at the Center for Hawaiian Studies for the University of Hawaii at Manoa, stated that the Hawaiian figure is definitely a sacred object; it is an *`aumakua*, a *ki`i*, an ancestor. She added that carvings with human characteristics were always *ki`i* or *`aumakua*, and that carvings

were not just ornamental but each one was created for a specific purpose. She explained that this *ki'i*, if returned, would be used for religious purposes and be placed once again on a canoe, which would then make the canoe itself sacred. She explained that this *ki'i* would have a different *mana*, spiritual power, than those created today because of its antiquity, and she doubted the figure was given as a gift, due to its sacredness, and added that she believes that although theft took place, such theft was not recorded in ship journals, in part due to the later publication of journals. She stated that this lack of documentation does not grant right of possession to the City of Providence. She added that this *ki'i* was a war spear rest, and would have been appropriate for use on canoes used in war, which were small in order to maneuver between the islands.

Ms. Linda Kawai'ono Delaney, formerly of OHA, stated that this object was of such a sacred nature that only the highest ranking chiefs would have the *mana* to give the figure, and then it only would have been given to a person of equal rank, such as Captain Cook was perceived to be at first contact with the Hawaiians. She stated that Hawaiian practitioners, for whom this ceremonial object has both past and future import and meaning to Hawaiian spiritual health, well-being, and success, were seeking to repatriate the *ki'i* *`aumakua* for present-day use.

Mr. Kunani Nihipali, President of Hui M_lama I N_ K_puna O Hawai'i Nei, explained that only true Hawaiian practitioners understand Hawaiian traditions, and added that intellectual study is not sufficient for full understanding of these traditions; the traditions must be practiced in order to gain personal knowledge. He stated that if the *ki'i* was returned, it would be used in traditional practices.

Ms. Hannah Kihalani Springer, Trustee, Office of Hawaiian Affairs, stated that she called upon the names of her ancestors to bring forth her *`aumakua*, and explained that different *`aumakua* are called forth for different reasons. She added that when called forth, these ancestors will give support for the matters at hand at the meeting. She stated that practitioners of long ago provided data for anthropologists of today and yesterday, and practitioners of today provide information for those to come.

Committee Discussion: The Committee discussed the issues and asked questions of both parties relevant to the issues surrounding the Hawaiian figure and the presentations regarding the specific issues asked by the Committee.

Mr. Monroe stated that in his opinion, there was not enough evidence presented to make a determination on the issue of right of possession. He added that, based on the evidence presented, the Hawaiian figure is a sacred object as defined by the NAGPRA Statute, and therefore, the figure should be repatriated by the City of Providence to Hui M_lama and OHA. Mr. Hart concurred with Mr. Monroe, and added that the object was shown to be a *ki'i* *`aumakua*. Ms. Naranjo agreed with Mr. Monroe's recommendation. Mr. Sullivan agreed with Mr. Monroe's assessment of the issue of right of possession, and agreed with the determination that the object was a sacred object, but stated that he did not feel the case was entirely clear. Ms. Craig concurred with Mr. Monroe. Mr. Haas agreed that the figure was a sacred object as defined by NAGPRA, and felt that the Committee should not make a recommendation regarding the issue of right of possession due to lack of evidence.

Mr. Hart stated that he based his decision on the testimonies presented to the Committee. Mr. Haas stated that he based his decision on the attributes of the object itself, the testimony presented by all parties, including traditional religious leaders identified by Hui M_lama and OHA, and the literature presented to the Committee. Mr. Monroe stated that he agreed with Mr. Haas and added that it is possible for an object to be a sacred object in the possession of a museum that has right of possession of the object. Mr. McManamon summarized the Committee's position that the object is a sacred object, that the Committee finds insufficient evidence to make a recommendation regarding right of possession, and that the Committee recommends that the City of Providence return the item to

Hui M_lama and the Office of Hawaiian Affairs. The Committee directed the Park Service staff to work with the Chair on the draft of the statement to be published in the Federal Register.

Future Meeting

The Committee discussed the next meeting and set a tentative date of late October 1997 in Washington, D.C.

Other Matters Before the Committee

Tonto National Forest: Mr. Haas summarized the issue involving Tonto National Forest and its decision to repatriate remains that could be considered culturally unidentified. He added the issue of culturally unaffiliated remains still needs to be addressed by this Committee and should not be addressed by individual agencies operating independently, due to the possibility of important precedents being set. After discussion, the Committee agreed that the NPS would send a letter to the Southwest Region of the Forest Service requesting more information on this matter and asking that the Forest Service not take any permanent steps regarding these remains.

Minutes of Previous Meetings: The Committee approved the minutes of the Anchorage, Los Angeles, and Myrtle Beach meetings as written. Mr. McManamon asked the Committee members to forward any typographical corrections regarding the minutes to the NPS.

Report to Congress: Ms. Naranjo asked the Committee members to forward any comments regarding the draft Report to Congress to the NPS.

Interim Chair: The Committee appointed Mr. Jonathan Haas as Acting Chair in the event that Ms. Naranjo is not reappointed to the Review Committee. If Ms. Naranjo is reappointed to the Review Committee, she will remain Chair.

Public Comment

Ms. Annette Arkeketa-Rendon, American Indian Resource and Education Coalition of Texas, described repatriation efforts of her group that have been taking place since 1991. She stated that her organization has a memorandum of agreement with Fort Hood Army Base concerning repatriation. She explained the great need in Texas for grave protection laws, and asked for support from Native Americans willing to testify to the Texas legislature regarding that issue.

Ms. Barbara Crandell, Native American Alliance of Ohio, spoke to the Committee about including non-federally recognized tribes in the repatriation process. She stated that being Indian is a matter determined by ancestral blood and not by the federal government. She explained that the Native American Alliance of Ohio has never asked for federal recognition and do not plan to, but they are asking to be included in the process of protecting ancestral sites and reinterment of their ancestors' remains.

Mr. Maurice Eben, Tribal Council Member and NAGPRA Representative, Pyramid Lake Paiute Tribe, read a

statement from Mr. Mervin Wright, Junior, Tribal Chairman for the Pyramid Lake Paiute Tribe, expressing his dissatisfaction with the way the BLM has handled repatriation issues with the Pyramid Lake Paiute Tribe. Mr. Wright stated that the United States must be responsible and support the protection of Native American culture; and he expressed concern that governmental dominance of Native American society through regulation and law would destroy cultural history and physical ancestral rights. Mr. Wright requested a formal meeting between the NAGPRA Review Committee and the Pyramid Lake Paiute Tribe.

Mr. Richard Edwards, University of Toledo, stated that regarding the Hawaiian dispute, the Committee should take a look at the conduct of the parties during the dispute process, particularly regarding the prayers and singing by the Native Hawaiians, as being inappropriate. He added that he felt the Committee should have made a finding of right of possession by the City of Providence Museum in this case, since the Hawaiian organizations, in his opinion, did not prove that the Museum had an illegitimate claim of right of possession. Regarding the definition of sacred object, he felt that the statutory definition calls for sacred objects to be clearly "needed" and not just "wanted" by religious leaders.

Mr. Jason Jackson, Gilcrease Museum, Tulsa, Oklahoma, stated that the Gilcrease Museum has been actively working to comply with NAGPRA, conducting numerous consultations with tribal communities from across the United States. He invited any representatives of tribes present at the meeting to set up a consultation with the museum.

Ms. Cynthia Longhorn, Absentee-Shawnee Tribe, thanked the Committee and NAGPRA staff for coming to Oklahoma to hear comments. She stated she was involved in the Fernald situation and agreed with the Committee's recommendation. She stated that repatriation should be to only federally recognized tribes. She emphasized the importance of comprehensive consultation regarding culturally unidentified human remains. She stated that issues this important will take considerable time to resolve and urged the Committee to have patience.

Mr. James Mann, Southern Cheyenne Tsistsistas, stated that details regarding Sacred Arrow ceremonies are extremely confidential and cannot be provided or discussed with non-Cheyenne people. He expressed concern that the Review Committee would be able to make determinations regarding sacred objects and their powers. He stated that federal recognition by the BIA is an inappropriate qualification for NAGPRA participation because the BIA has placed federal recognition on bands of tribes and has grouped tribes together in some cases, such as the Cheyenne and Arapaho, who still maintain separate ceremonies. He discussed the political divisions of his tribe, as described by Mr. Medicine Bird.

Ms. Jean McCoard, Native American Alliance of Ohio, explained that there are presently no federally recognized tribes in Ohio, and that most Native Americans currently in Ohio are descendants of the Woodland people indigenous to the area. She explained that they are a people who have maintained their heritage, traditions, and spirituality, staying together in an effort to maintain their identity, but they are not federally recognized. She explained that Ohio has numerous mounds and burial places and is a state that is experiencing great development; therefore, many mounds and sacred sites are being threatened. Efforts to save these mounds and their ancestors are hampered by federal regulations and federal recognition issues. She stated that the Native Woodland people residing in Ohio respectfully contend for the right to participate as full partners in the decision-making process for reburial of their ancestors unearthed within their state.

Ms. Suzette McCord-Rogers, Kansas State Historical Society, stated that she was assisting the Iowa Tribe of

Kansas and Nebraska in their matter of cultural patrimony.

Mr. Luther Medicine Bird, Southern Cheyenne Priest of the Sacred Arrows, spoke about political divisions with his tribe that have resulted in a lack of information to members of the tribe regarding repatriation issues. He stated the Mr. Lawrence Hart and Mr. Gordan Yellowman do not provide information to the Tsistsistas Southern Cheyenne Tribe. He added that a recent repatriation and reburial of 20 skulls from the Smithsonian was done without notification to his tribe, and they are now requesting that the skulls be returned to the Smithsonian until more information is provided.

Ms. Patricia Mercado-Allinger, State Archaeologist for Texas, introduced herself to the Committee and the audience.

Mr. Jim Rhodd, NAGPRA Representative for the Iowa Tribe of Kansas and Nebraska, stated that his tribe was experiencing a noncompliance problem with a museum in the northern part of the country, and would be approaching the Committee in the future if the problem could not be resolved.

Mr. Russell Thornton, Chair of the Smithsonian Repatriation Review Committee, described the recent changes to the National Museum of the American Indian Act, which resulted in the creation of two new positions on the Smithsonian Repatriation Review Committee. He stated that the committee was currently taking nominations to fill the positions, which were open to tribal spiritual leaders, and the deadline for nomination was March 28, 1997. The positions will be appointed by the Secretary of the Smithsonian, taking into consideration the recommendations of an ad hoc committee which will review the nominations. Mr. Thornton then stated that his committee has been funding a travel grant program whereby funds are made available for tribal representatives to go to the Smithsonian and consult with the repatriation office personnel regarding their repatriation cases.

Closing

Ms. Naranjo thanked the NPS staff for their efforts regarding NAGPRA and the work of the Committee.

Mr. McManamon thanked the Review Committee members for their work over the past five years, recognizing that many of their terms will be expiring after the Norman, Oklahoma meeting. He pointed out that the Committee has accomplished a great deal, including: developing regulations on implementing the NAGPRA Statute, including the civil penalties and the future applicability sections; working together to resolve different disputes; and helping to develop the grants program. He added that Committee members have been extremely active in publicizing the issues involved in repatriation in their own professions. He then presented the Committee members with a letter from the Director of the Park Service thanking the Committee members for their work on NAGPRA.

Mr. McManamon asked for a moment of silence in respect for the late Mr. William Tallbull.

Mr. McManamon, on behalf of the Department of Interior and the National Park Service, thanked the University of Oklahoma and the Oklahoma Museum of Natural History for organizing and hosting the meeting; the Five Tribes Repatriation Committee, the Chickisaw Nation Dance Troupe and Gingy Nail for the public reception; the Iowa Tribe of Oklahoma for the refreshments; the commenters and public for their input throughout the meeting; and the Caddo Tribe for the closing ceremony.

The Caddo Culture Club presented Caddo drum songs and the Caddo flag song. Mr. Fred Parton gave the closing

prayer. The meeting was adjourned at 5:15 p.m. on Thursday, March 27, 1997.

Approved:

/S/ Tessie Naranjo

Tessie Naranjo, Chair
Native American Graves Protection
and Repatriation Committee

Date